

Message Text

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ACTION IO-10

INFO OCT-01 ISO-00 AID-05 EB-07 CIAE-00 DODE-00 PM-03 H-02

INR-07 L-02 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15

USIA-06 SR-02 ORM-01 MMS-01 AF-06 ARA-06 EA-06 EUR-12

NEA-09 /110 W

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FM USMISSION USUN NEW YORK

TO SECSTATE WASHDC 105

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E.O. 11652: N/A

TAGS: SHUM, SGEN, ECOSOC

SUBJECT: 58TH ECOSOC--HRC RESOLUTION ON NGOS

REF: A. STATE 092070; B. USUN 1278

1. TRANSMITTED BELOW IS PROPOSED TEXT OF COMPROMISE RES THIS SUBJECT. TEXT WORKED OUT IN NEGOTIATIONS BETWEEN EGYPT AND USSR (SUPPORTING ORIGINAL HRC DRAFT) AND UK AUSTRALIA. ONLY REMAINING POINT WHERE FINAL AGREEMENT PENDING IS OP PARA 3 WHERE SOVIETS AT LEAST INITIALLY OPPOSED TO SEPARATING PARA INTO TWO SECTIONS. ASSUMING THIS DIFFICULTY OVERCOME, DRAFTERS HOPE COMPROMISE TEXT CAN BE ADOPTED BY CONSENSUS (PRESUMABLY AT ECOSOC PLENARY ON FRIDAY, MAY 2).

2. IN PRESENTING TEXT TO INFORMAL WEO GROUP, UK REP STATED THAT THEY HAD BEEN SUCCESSFUL IN ELIMINATING MOST OBJECTIONABLE FEATURES OF ORIGINAL DRAFT, I.E., A) EXTENSION OF CONFIDENTIALITY REQUIREMENT TO WRITTEN AND ORAL STATEMENTS AND B) NEW CRITERIA OF "PROPER DISCRETION" FOR NGO CONSULTATIVE STATUS. HE SAID THAT OP PARA 3 WOULD PROBABLY HAVE TO BE REWORKED BUT TOOK NOTE OF STATEMENT BY SEVERAL REPS, US INCLUDED, THAT WITHOUT CLEAR DISTINCTION BETWEEN 1296 AND 1503 OBLIGATIONS, THEY PROBABLY WOULD NOT BE LIMITED OFFICIAL USE

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ABLE TO JOIN CONSENSUS. IT GENERALLY AGREED THAT GIVEN MOOD

OF ROOM, IT WAS NOT POSSIBLE TO DEFER DECISION ON HRC RES AND
COMPROMISE TEXT PROBABLY THE BEST WE COULD GET.

3. WE WILL SHOW NEW TEXT TO NGO REPS TO SEE IF THEY CAN LIVE
WITH IT.

4. ASSUMING OP PARA 3 CAN BE SUCCESSFULLY NEGOTIATED AND NGOS
WILLING TO GO ALONG, MISSION RECOMMENDS THAT WE ACCEPT COMPRO-
MISE TEXT BY CONSENSUS OR, PREFERABLY, ADOPTION WITHOUT VOTE.
IN OUR INTERVENTION, WE WOULD EMPHASIZE VITAL ROLE PLAYED BY
NGOS AND OUR UNDERSTANDING THAT THE RES DOES NOT GO BEYOND
TERMS OF EXISTING LEGISLATION.

QTE: II: STUDY OF SITUATIONS WHICH REVEAL A CONSISTENT
PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS: WRITTEN AND ORAL
STATEMENTS BY NON-GOVERNMENT ORGANISATIONS IN CONSULTATIVE
STATUS CONCERNING HUMAN RIGHTS

THE ECONOMIC AND SOCIAL COUNCIL,

CONSIDERING THAT IN ITS RESOLUTION 454 (XIV) IT DECIDED THAT
ALL COMMUNICATIONS EMANATING FROM NON-GOVERNMENTAL ORGANISATIONS
IN CONSULTATIVE STATUS CONTAINING COMPLAINTS OF ALLEGED VIOLATIONS
OF HUMAN RIGHTS SHOULD BE DEALT WITH NOT UNDER THE RULES OF
CONSULTATIVE RELATIONSHIP BUT UNDER THE DECISIONS FOR INCLUSION
OF SUCH MATERIAL IN CONFIDENTIAL LISTS OF COMMUNICATIONS PREPARED
FOR THE COMMISSION, WHICH IS SET OUT IN PARAGRAPH 2(B) OF RESOLUTION
728F (XXVIII),

CONSIDERING FURTHER THAT IT HAS BEEN CLEARLY LAID DOWN IN ITS
DECISION IN PARAGRAPH 8 OF RESOLUTION 1503 (XLVIII) THAT ALL
ACTIONS ENVISAGED IN THE IMPLEMENTATION OF THAT RESOLUTION BY THE
SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION
OF MINORITIES AND THE COMMISSION ON HUMAN RIGHTS SHALL REMAIN
CONFIDENTIAL UNTIL SUCH TIME AS THE COMMISSION MAY DECIDE TO MAKE
RECOMMENDATIONS TO THE COUNCIL,

RECOGNISING THAT NON-GOVERNMENTAL ORGANISATIONS HAVE AN IMPORTANT
ROLE TO PLAY IN THE PROMOTION AND PROTECTION OF HUMAN RIGHTS,

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HAVING BEEN MADE AWARE BY THE COMMISSION OF HUMAN RIGHTS THAT SOME
NON-GOVERNMENTAL ORGANISATIONS HAVE OCCASIONALLY FAILED TO OBSERVE
THE REQUIREMENTS OF CONFIDENTIALITY UNDER PARAGRAPH 8 OF RESOLUTION
1503 (XLVIII),

HAVING ALSO BEEN MADE AWARE BY THE COMMISSION ON HUMAN RIGHTS
THAT THE ORAL INTERVENTIONS OF SOME NON-GOVERNMENTAL
ORGANISATIONS HAVE OCCASIONALLY FAILED TO OBSERVE

FULLY THE TERMS OF PARAGRAPH 36 (B) OF RESOLUTION 1296 (XLIV),

1. APPEALS URGENTLY FOR THE STRICT OBSERVANCE OF THE REQUIREMENT OF CONFIDENTIALITY IN PARAGRAPH 8 OF RESOLUTION 1503 (XLVIII),

2. CONFIRMS THAT COMMUNICATIONS FROM NON-GOVERNMENTAL ORGANISATIONS CONTAINING COMPLAINTS OF ALLEGED VIOLATIONS OF HUMAN RIGHTS SHALL BE HANDLED ACCORDING TO THE PROVISIONS OF RESOLUTION 454 (XIV) AND PARAGRAPH 2(B) OF RESOLUTION 728F (XXVIII),

3. DECIDES THAT IN FUTURE NON-GOVERNMENTAL ORGANISATIONS IN CONSULTATIVE STATUS MUST

(A) COMPLY WITHOUT EXCEPTION AS REGARDS THEIR SUBMISSIONS BOTH IN WRITTEN AND ORAL FORM INSOFAR AS THEY RELATE TO ALLEGATIONS OR COMPLAINTS ON HUMAN RIGHTS WITH THE PROVISIONS OF PARAGRAPH 36(B) OF RESOLUTION 1296 (XLIV); AND

(B) MUST ALSO OBSERVE STRICTLY THE PROVISIONS OF PARAGRAPH 8 OF COUNCIL RESOLUTION 1503 (XLVIII),

4. DECIDES THAT ANY NON-GOVERNMENTAL ORGANISATION FAILING TO OBSERVE THE PROVISIONS OF PARAGRAPH 36(B) OF COUNCIL RESOLUTION 1296 (XLIV) MAY RENDER ITS CONSULTATIVE STATUS SUBJECT TO SUSPENSION OR WITHDRAWAL UNDER THE TERMS OF THAT RESOLUTION,

5. REMINDS THE SUB-COMMISSION ON THE PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES OF THE CONDITIONS OF ADMISSIBILITY OF COMMUNICATIONS APPROVED IN ITS RESOLUTION 1 (XXIV) AND REQUESTS IT TO APPLY THESE CRITERIA STRICTLY,

6. DECIDES THAT THE COMMITTEE ON NON-GOVERNMENTAL ORGANISATIONS LIMITED OFFICIAL USE

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SHOULD CONTINUE TO EXAMINE CAREFULLY THE ACTIVITIES OF NON-GOVERNMENTAL ORGANISATIONS BEARING IN MIND THE PROVISIONS OF THE PRESENT RESOLUTION. UNQTE.
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